# Annual 47 C.F.R. 64.2009(e) CPNI Certification

APR 10 2009

#### **EB Docket 06-36**

FCC Mail Room

SOCKET FILE COPY ORIGINAL

Annual 64.2009(e) CPNI Certification for 2007

Date Filed: April 10, 2009

Name of Company covered by this certification: IndCo Net, LLC

Form 499 Filer ID: 826754

Name of Signatory: J D Pierce

Title of Signatory: Partner

I, J D Pierce, certify that I am an officer of the company name above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rues. See 47 C. F. R. 64.2001 et seq.

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 et. seq. of the Commission's rules.

The company has taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, E. G., instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

Signed:

No. of Copies rec'd 014 List ABCDE

# **Privacy Policy**

APR 10 2004 FCC Mail Room

Your Privacy as a Indco Cable TV Inc. / Indco.net LLC Customer & Related Information

We are committed to the principles of privacy and security. As a customer of an Indco Cable TV Inc. / Indco.net LLC company, you have a right to know why we collect personal information about you and the ways we collect, use, safeguard and disclose the information that we have. We consider our treatment of such information to be a part of the trust you place in us by using our Cable Television, High Speed Internet and, in certain areas, Telephone Services. We have updated this notice, and will continue to update it, to better answer questions you may have, but our basic privacy policy will remain the same for all these services. We collect and keep only the personal information of our customers that is needed to provide these services, treat it as private, use it only for what we offer you, do not sell it to others, work to keep it secure, and destroy it when no longer needed. While we cannot cover here every situation where your personal information may be affected, we have included those we believe are significant and that you would be most interested in.

By law, 47 U.S.C. § 551, we tell you when you first become a customer and annually about our privacy policy. We also regularly update our privacy policy and post the most up-to-date policy on our website. You can find additional and updated information at any time by visiting our website at http://www.indco.net. We encourage you to review our policies by visiting our website periodically for the latest information and updates. If you find these policies or any changes unacceptable, you have the right to cancel service. If you continue to use the service following notice of the changes, we will consider that to be your acceptance of and consent to the changes.

You can learn more about your privacy rights by visiting the websites of the Federal Trade Commission, http://www.ftc.gov, and the Federal Communications Commission, http://www.fcc.gov.

# Information We Collect

Personally Identifiable Information - In providing services to you, we obtain certain "personally identifiable information"; that is, information that identifies you individually ("Your Information" or "Personally Identifiable Information"). Your Information may include one or more of the following: name, service address, billing address, telephone numbers, social security number, driver's license number, premium, pay-per-view, video-on-demand and other video services you have selected, demographic information, user IDs, passwords, email addresses, credit history or other information obtained from third parties, correspondence and communications records. We also maintain customer information concerning credit, billing and payments, security deposits, bank account and credit card information, purchases made over the cable system, maintenance and repair, equipment and services provided, and other service-related functions. In providing our services, we may also collect information about your video equipment, the number and location of television sets in your home that are connected to our cable system, computer

hardware and software, modems, routers, associated electronic addresses, settings and other preferences to aid in billing, maintenance, and customer support.

It is our policy to collect only the personal information needed to provide the services we offer with the quality you desire and deserve. It is also our policy to keep that information secure and to retain it only as long as needed for our business purposes or as the law may require. We take reasonable precautions to identify you or your authorized representative when we receive an inquiry on your account as permitted by law. We also take reasonable steps to protect Your Information from unauthorized access by requiring you to authenticate your identity before releasing information over the phone.

<u>Cable Television Services</u> - We collect certain information in providing you with our cable television and other services. The law prohibits us from using the cable system to collect Personally Identifiable Information for unrelated purposes without your consent. We will not provide our advertisers, content providers, or any other third party who is not acting on Indco Cable TV Inc.'s behalf with Your Information unless we have received your consent first, except as required by law.

Unless you are notified and agree, we will not collect user information concerning most video program viewing, except as needed to bill you. In providing some specific cable television services, such as pay-per-view, video-on-demand and interactive cable services, we do maintain limited usage information for billing, programming and related purposes. Aggregate information that does not identify you may be collected and used for programming, advertising and similar purposes. In some cases, non-personal aggregate information may be collected by the cable system in order to determine which programs are most popular, how many people are watching the show, and which cable features are used most often. This aggregate information may be provided to third party audience measurement firms who may combine it with other demographic information to conduct more comprehensive audience analysis. Indco Cable TV Inc. may also use such information to distribute relevant programming and advertising to customers without disclosing Personally Identifiable Information about customers to programmers or advertisers. This data helps program networks and cable operators decide on which programs, channels, and commercials to carry. These advertisements may invite interactive or transactional follow-up from you and the provision of additional information. By using any of Indco Cable TV Inc.'s interactive services, you consent to our collection of this additional information. When we provide digital video recorder services, we may also receive detailed information concerning your use and operation of the recorder for the uses described below in "Use and Sharing".

<u>Internet Services</u> - Like most Internet service providers, we automatically collect certain general information concerning your use, such as the Internet Protocol (IP) addresses assigned (an identifier assigned to your computer while online), MAC addresses (individual equipment identifiers) of equipment that is used, bandwidth used, system and connection performance, browsers used, dates and times of access, and Internet resource requests, including requests to access web pages. Some of this information may identify those subscribers who have downloaded certain materials or accessed certain websites.

This type of information is generally retained for about six months. We do not store online messages sent or received unless left in your Indco.net LLC High Speed Internet account file. Since we cannot control Web sites or Internet services operated by third parties, we recommend that you review the terms of service and privacy policies of those Web sites and services. You can find more detailed information concerning our Online Privacy Policy on our website at http://www.indco.net.

<u>Telephone Services</u> - In some areas we provide telephone services by "voice over Internet protocol" (VOIP). We do not listen to or record your calls. We do, however, monitor certain calls to our staff for quality purposes. If you object to this, you may tell us when you call Customer Care. In providing telephone services, we do collect call detail information, including numbers called and received and duration of calls ("Call Detail"). We retain this information for up to three years, as required by some authorities, and we treat all such information as private unless we are legally required to disclose it as explained below.

# Use and Sharing

<u>Use Policy</u> - We consider Your Information confidential, and use it only for the business purpose of providing our cable television, Internet and telephone services for such things as sales, installation, operations, administration, advertising, marketing, support, network management, maintenance, customer care, communications with you, billing and collection, and for accounting and tax purposes. We may also use such information to monitor for, detect and protect against both fraud and unauthorized use of our services.

We use aggregate information about our customers and their usage for a variety of purposes. Such aggregate information does <u>not</u> identify individual customers. We may share such aggregate information with third parties, such as with audience measurement firms who may combine it with other demographic information to conduct audience analyses, for our own internal business purposes. Indeo Cable TV Inc. / Indeo.net LLC may associate Your Information with aggregate information or with information from others to better offer product and service preferences to you.

Sharing Policy - It is our policy not to disclose any Personally Identifiable Information about you to others outside of Indco Cable TV Inc. / Indco.net LLC and our affiliates, agents, vendors, business partners and others who assist us with providing services to you and other related business functions, without your prior consent. We do not sell or provide Your Information to parties unrelated to the services we provide without your permission. As a further measure, if in the future we sell mailing lists, you can affirmatively opt out of such sharing by writing to the return address on your billing statement or you may contact us online at support@indco.net. You can also notify us in either way if you prefer not to receive certain types of marketing contacts from us. Upon such choice, we (i) will not contact you directly with marketing communications about our services, and (ii) will not use Your Information obtained from registration with any of our services to contact you with marketing communications about any other Indco Cable TV Inc. / Indco.net LLC products or services. Please note, however, that we may still be

required to communicate with you if necessary to render or conduct a legitimate business activity related to the service, and to disclose Your Information if required to do so by law. In order to make this choice you must notify us in writing at support@indco.net or by writing to the return address on your billing statement and include your name, address, account number, and the information that you do not wish to be disclosed.

Indco Cable TV Inc. / Indco.net LLC sometimes uses affiliates, vendors or partners in providing our services and may provide your information for such purposes. We require that outside parties maintain at least the same level of confidentiality that we maintain. In addition, any use by the vendor may not exceed that needed to provide its service. We do not share Your Information with other third parties without your consent. If you become a customer of a third party provider of any services directly, you should review its privacy policy, as it may differ from ours.

Special Exceptions - We reserve the right to disclose Your Information if we have a good faith belief that it is necessary to: (1) comply with the law or legal process served on us, including, but not limited to, subpoenas, court orders, warrants and summonses; (2) protect and defend our rights or property or those of others; (3) respond to fraud, abuse, identity theft, or unauthorized reception of our services; (4) enforce our Website Visitors' Agreement and Terms of Use, our Acceptable Use Policy or related standards; or (5) act in an emergency to protect your personal safety or that of another or prevent or assist in preventing child abuse. We may also share or transfer Your Information along with your account as a part of any sale or transfer of all or a portion of our business operations, merger or combination with another organization. In such a case, you will be notified of any changes in policy.

<u>Retention Policy</u> - Indco Cable TV Inc. / Indco.net LLC may retain Your Information in its regular business records as long as you are a customer or until no longer needed for business, tax or legal purposes. Our security measures for this information are discussed below.

Telephone Services - Federal regulations limit our use and sharing of certain information concerning a customer's telephone services relating to the quantity, technical configuration, type, destination, location, nature of telecommunications or telephone toll service you receive and the amount of your use of telephone service. This information is known as "Customer Proprietary Network Information" or "CPNI", and includes information on how you use our telephone services, such as your call patterns, service features, price plans, spending profiles, and Call Detail. In offering our spectrum of local and long distance telephone services, we do use your telephone service information to offer you new telephone services and pricing plans. If you do not want us to use your CPNI for this purpose, you may contact us at the number or address listed on the cover of this notice or on your regular bill or by email at support@indco.net. IF WE DO NOT HEAR FROM YOU WITHIN 30 DAYS OF THIS NOTIFICATION, WE WILL ASSUME THAT YOU APPROVE OUR USE OF YOUR CPNI FOR THE PURPOSES OF PROVIDING YOU WITH INFORMATION ABOUT OTHER COMMUNICATIONS-RELATED SERVICES. YOU HAVE THE RIGHT TO

DISAPPROVE OUR USE OF YOUR CPNI, AND MAY DENY OR WITHDRAW OUR RIGHT TO USE YOUR CPNI AT ANY TIME, BY CALLING THE TELEPHONE NUMBER REFLECTED ON YOUR MONTHLY BILLING STATEMENT. (We will also honor any restrictions applied by state law, to the extent applicable.). Any action that you take to deny or restrict approval to use your CPNI will not affect our provision to you, now or in the future, of any service to which you subscribe or the pricing of such service. You may disregard this notice if you previously contacted us in response to a CPNI Notification and denied use of your CPNI for the purposes described above. Any denial of approval for use of your CPNI outside of the service to which you already subscribe is valid until such time as your telephone services are discontinued or you affirmatively revoke or limit such approval or denial. Consenting to allow us to use your CPNI will help us offer you the best and most up-to-date services. Your consent will remain in effect until you notify us you want to revoke or change your permission. Your choice will not affect the services you now receive or their pricing. We do not disclose this information to unrelated parties, except as required by law.

We do not release Call Detail to unauthorized persons over the phone. Customer Care will not release Call Detail information over the phone without first authenticating that the person calling is authorized to receive such information. The authentication process will require you to give us a Personal Identification Number (PIN) or password, which is issued to you at the time of service installation or sent to you through the mail. This PIN or password must be made up of random characters or numbers and not contain readily identifiable information. We may provide routine service of the account if we are able to do so without releasing Call Detail information by using an authentication process which may include readily identifiable information.

<u>Directory Listings</u> - We offer our telephone customers the ability to designate their listings as non-published within print or electronic directories or directory assistance services. Because of the complexity of this process and the involvement of other entities in publishing, errors may occur from time-to-time. These and certain other telephone services are offered subject to contractual terms which limit our liability in the event of such errors.

<u>Cable Television Services</u> - We provide aggregate information concerning pay-per-view, entertainment-on-demand and interactive services to programmers, advertisers and certain other third parties. Digital video recorder service information is not shared with programmers or third parties, except on an aggregate basis. If you use an interactive service to participate in or to order a product or service, you will be asked for your permission to provide contact information to the appropriate party. When we offer new services to you like DVR and interactive features, we will also inform you about information we may need and how it may be used.

<u>Internet Services</u> - We do not read your email messages, instant messages, online chats, "voice-over-internet" calls or the content of other online communications that reside on or pass through our service. We may however, retain and disclose such communications

pursuant to a court order. Under certain specific circumstances, a governmental subpoena may suffice to require us to provide a governmental entity information about you such as name; address; local and long distance connection records, or records of session times and durations; telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and the means and source of payment for services, including any credit card or bank account number. Such a subpoena could also require that we not notify you of the request. In those circumstances, we will not provide you with advance notice, but in no circumstances will we provide records that reveal your selection of video programming from Indco Cable TV Inc. / Indco.net LLC unless specifically ordered to do so.

The laws concerning your privacy and government access change from time to time and may affect how we are required to respond. Due to this fact and the volume of requests we receive, we do not assume any duty to notify you of receipt of any legal requests.

Internet Information - Your account records and information concerning your Internet access may be subpoenaed by the government or by others through the courts. Internet messages and files shared over "peer-to-peer" services often include your IP Address, and you can be identified in this way if we receive a lawful subpoena. As with telephone interception, details concerning your Internet access and the content of communications can be obtained by law enforcement through a subpoena, court order or similar authority. In addition, the law permits us to disclose to law enforcement, voluntarily and without prior notice, customer information, including the contents of communications, if we reasonably believe that an emergency involving immediate danger of death or serious physical injury requires such disclosure without delay.

<u>Telephone Information</u> - Current law requires law enforcement authorities to obtain a court order or other similar authority for a telephone wiretap or to use a pen register or trap and trace device to capture dialing information. Voice-over-internet services are subject to similar interception standards. Law enforcement can also subpoena Call Detail and account information.

<u>Cable Television Programming Selections</u> - Records concerning video programming selections may generally be obtained only under court order, after notice is given to you and you have the opportunity to object in court.

# Security of Information

We are aware of the many recently publicized instances of customer information security breaches and continue to work on new ways to protect Your Information. For our most sensitive databases, we use encrypted formats within controlled and secure environments that have access restricted to only our most trusted employees. Nevertheless, although we endeavor to ensure the integrity and security of our network and computer systems, we cannot guarantee that our security measures will prevent all instances of possible unauthorized access. It is a federal criminal offense to engage in pre-texting practices, which include making false or fraudulent statements or representations to an employee,

agent, or customer, in order to gain access to customer accounts or confidential phone records via the Internet, or by other means, without prior authorization from the customer to whom such records belong, or relate to. Consistent with these measures, we strictly prohibit the release of such information to unauthorized persons

#### Children's Privacy

The websites provided by Indco Cable TV Inc. / Indco.net LLC are not directed at, or intended for use by, children under the age of 13. Children should always get permission from a parent or guardian before sending personal information over the Internet. If you believe your child may have provided us with personal information, you can contact us at the return address on this notice or found on your monthly bill and we will delete the information. You can find more information about protecting children's privacy by contacting the FTC or viewing its website at http://www.ftc.gov.

## Child Pornography

As a provider of an electronic communications service, we are required by law to report any evidence we may become aware of relating to violations of laws concerning child pornography or child abuse.

### Customer Access to Information

You may check the accuracy of personal information in your account by contacting a Customer Care representative. We also will make a more complete review of your Personally Identifiable Information available to you within a reasonable time following a request. You may examine the information upon prior request and at your own cost during business hours at the Indco Cable TV Inc. / Indco.net LLC office listed on the return address of this notice or noted on your billing statement, and you may advise us of any errors you would like us to correct.

#### **Your Enforcement Rights**

You can enforce your legal privacy rights concerning our collection, use and sharing of your Personally Identifiable Information. Among your remedies is the right to seek damages and reasonable costs and attorneys' fees under 47 U.S.C. 551. You have a right under the Cable Act to see Your Information that Indco Cable TV Inc. / Indco.net LLC collects and maintains. If you would like to see Your Information, please send a written request to the address listed on the cover of this notice or on your regular bill. Alternatively, Indco Cable TV Inc. / Indco.net LLC will be glad to make an appointment for you to come in to your local office during regular business hours to review Your Information. If your review reveals an error in our records, Indco Cable TV Inc. / Indco.net LLC will correct it. You may also be able to access certain information about you or your account over the system, depending upon the information you have provided (i.e., information Customer has provided to process an order made via the system, etc.).

## Other Terms and Changes in Policy

Other terms and conditions affect our service offerings, including certain Cable Television service contracts, our Acceptable Use Policy for High Speed Internet service, tariffs and the Terms of Use for our websites. Changes in our service offerings, the law and policy may cause us to make changes to this and other policies from time to time. Any changes will be posted with the Online Privacy Policy at http://www.indco.net/policy, which also contains provisions concerning privacy as relates to our website. If you find these policies or any changes unacceptable, you have the right to cancel service. If you continue to use the service following notice of the changes, we will consider that to be your acceptance of and consent to the changes.

#### Annual Do-Not-Call Registry Notice

In an effort to reduce the number of unwanted telemarketing calls, the FCC has provided telephone subscribers the opportunity to register their residential telephone numbers, including wireless numbers, for inclusion in the national Do Not Call (DNC) registry administered by the FTC. You may register, or revoke registration of, your number without charge by calling the FTC's toll-free number, 1-888-382-1222 or TTY 1-866-290-4236, from the telephone number you are registering or revoking, or via online by visiting the FTC's website located at http://www.donotcall.gov. The FCC/FTC rules contain an "established business relationship" exception that permits a company that has such a relationship with you, like Indco Cable TV Inc. / Indco.net LLC, to call you even if your number is on the national DNC list. See http://www.fcc.gov/cgb/donotcall/ and http://www.ftc.gov/bcp/conline/edcams/donotcall/index.html.

## **GENERAL INFORMATION**

Questions about Indco Cable TV Inc. / Indco.net LLC Privacy Protections and Policies - If you have any questions about our privacy protections or policies, please contact your local customer service office. You can find the phone number for your local customer service office on your monthly bill statement or by visiting Indco Cable TV Inc. / Indco.net LLC's website at http://www.indco.net. Effective Date of this Privacy Policy: September 1, 2007.

<u>Changes in Service or Prices</u> - As a Indco Cable TV Inc. / Indco.net LLC Communications customer you will generally receive notice of changes in services or prices at least 30 days in advance or as in compliance with applicable laws. The notice may be provided on your monthly bill, as a bill insert, as a newspaper legal notice or information channel notice, or in a separate mailing.

<u>Theft of Cable Service</u> - An unauthorized cable hook-up is a severe and expensive problem. It is also a crime punishable by fines and/or imprisonment. Cable theft increases

the cost of our business as well as the costs of legitimate, paying Indco Cable TV Inc. / Indco.net LLC customers.

<u>Miscellaneous Fees</u> – An administrative fee is added to any bill amount unpaid after the due date. If your payment is made with a check that is not supported by sufficient funds, you may be charged a fee for handling.

<u>Delinquent Accounts</u> - If your service is disconnected for non-payment, we require full payment of the balance, a deposit, a reconnect fee, and a minimum of one month's service before reconnecting service.

<u>Disconnect Policy</u> - A request to disconnect cable service can occur at any time. Billing for service will stop on the day you request the service to be discontinued. Equipment provided to you by your local cable office must be returned upon disconnecting or appropriate charges will be assessed.

## TELEVISION EQUIPMENT COMPATIBILITY

Cable Converters - Some models of TVs and VCRs - especially older TV sets that are not "cable ready" - may not receive all of the channels offered when connected directly to the cable system. If your TV or VCR is not able to receive all of the channels desired, you can obtain a set-top channel converter from Indco Cable TV Inc. / Indco.net LLC at a nominal charge or from a retail store. If you plan to purchase cable services that we scramble or encrypt, such as premium, pay-per-view or digital services, you should make sure that any set-top converter or navigation device you purchase from a retail outlet is capable of working with separate security cards that we must provide in order for your equipment to access such programming devices. Upon request, we will provide you with the technical parameters that are needed for any such device to operate with our security cards and cable system. Also, you should know that it is illegal to sell receivers with descrambling units and similar "black box" descramblers, or to use such devices to access our services without authorization from Indco Cable TV Inc. / Indco.net LLC. The use of such descramblers is theft of service.

If you receive service through a set-top channel converter, you may not be able to use special features and functions of your TV and VCR. These may include features that allow you to: view a program on one channel while simultaneously recording a program on another channel; record two or more consecutive programs that appear on different channels; and use advanced picture generation and display features such as "Picture-in-Picture" and channel review. Indoo Cable TV Inc. / Indoo.net LLC may be able to resolve these issues through an additional converter or other equipment that is available for lease upon request.

<u>CableCards</u> - Certain new TVs and consumer products that can receive our cable services are sold with a CableCard slot or interface, which allows them to be operated without the need for a separate set-top channel converter. Currently, CableCard enabled equipment does not allow you to access or use any of our interactive or two-way services

that we offer. For more information, you may contact us by calling Customer Care at the number listed on this notice or on your monthly bill.

Remote Controls - Indco Cable TV Inc. / Indco.net LLC includes a remote control unit with set-top channel converters. Some television, VCR and DVD remote controls are also capable of controlling the basic features of your set-top box. "Universal" remote control units that are compatible with the basic features of set-top boxes may be also be obtained from other sources, such as consumer appliance and electronics outlets or over the Internet. These universal remote controls may not be compatible with certain set-top features or services available from Indco Cable TV Inc. / Indco.net LLC in certain markets. If you have specific questions concerning remote control compatibility, we encourage you to contact Customer Care at the number listed on this notice or on your monthly bill.

<u>Television Picture Quality</u> - If you experience problems with the quality of television signals you receive, you should call us at the telephone number listed on this notice or on your monthly cable bill. A fully trained Customer Care representative can often resolve your problem over the telephone. If this cannot be done, we will set up an appointment for a skilled technician come to your home. If, in your opinion, the service technician fails to correct the reception problem, you should call us again and we will review the actions taken. Should we continue to be unable to resolve the problem to your satisfaction, we will explain the reasons we cannot solve the problem. If you believe Indco Cable TV Inc. / Indco.net LLC has not properly resolved your issue, you have the right to contact the applicable franchise authority at the address and telephone number listed on your monthly cable bill.

Effective: October 1, 2007